

**BOARD OF ADA COUNTY COMMISSIONERS
MINUTES OF THE PUBLIC HEARING
WEDNESDAY, OCTOBER 14, 2015
6:00 P.M.**

The Board of Ada County Commissioners (Board) met this date in the Ada County Public Hearing Room of the Ada County Courthouse Complex. Staff members present: Mark Perfect, Brent Danielson, Diana Sanders and Kristy Inselman, Development Services; and Ax Yewer, Prosecuting Attorney's Office. Minutes Recorder: Judy Morris.

I. IN THE MATTER OF CALL TO ORDER:

Commissioner Jim Tibbs called the meeting to order at 6:00 p.m.

II. IN THE MATTER OF ROLL CALL:

Commissioners Jim Tibbs, Rick Yzaguirre and David L. Case were present.

III. IN THE MATTER OF CHANGES TO THE AGENDA:

Item IV (3) was amended to reflect that the Public Hearing was closed relating to Application No. 201501245-CU-MSP-PR-V-FP, ID SOLAR 1

D. Case advised that the agenda incorrectly identified that the hearing was left open on this matter. He explained that the hearing was closed, but the record was left open for specific information to be provided.

ACTION: D. CASE MOVED TO CORRECT THE AGENDA TO SHOW THAT THE HEARING WAS CLOSED ON APPLICATION NO. 201501245-CU-MSP-PR-V-FP, ID SOLAR 1. R. YZAGUIRRE SECONDED. D. CASE, AYE, R. YZAGUIRRE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

IV. IN THE MATTER OF UNFINISHED BUSINESS:

ACTION: R. YZAGUIRRE MOVED TO REMOVE THE UNFINISHED BUSINESS FROM THE TABLE FOR CONSIDERATION. D. CASE SECONDED. R. YZAGUIRRE, AYE, D. CASE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

- 1. 201501224-AC-V, LAWTON RICHARD:** An Accessory Use application to construct a 3,500 square foot accessory structure. Also, a request for a variance for the accessory structure to encroach five (5) feet into the 25 foot side yard setback and ten (10) feet into the 25 foot rear yard setback. The property is located at 3145 N. Osprey Road in T. 5N., R. 1E., Section 32 (*Tabled from 9/9/15; Public Hearing Closed*)

B. Danielson reminded the Board that the public hearing was closed on September 9, 2015, and Staff was directed to revise the Findings of Fact to reflect the Board's decision to deny the application.

ACTION: R. YZAGUIRRE MOVED TO DENY THE APPLICATION BASED ON THE REVISED FINDINGS OF FACTS FOR APPLICATION NO. 201501224-AC-V, LAWTON RICHARD. D. CASE SECONDED. R. YZAGUIRRE, AYE, D. CASE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

- 2. 201500930-DA-ZC-MSP, ALC ARCHITECTURE:** A Zoning Ordinance map amendment to rezone approximately 5.923 acres from the Rural Urban Transition (RUT) District to the General Industrial (M2) District with a development agreement. Also, a master site plan for a self-serve outdoor storage facility. The property is located at 782 S. McDermott Road; T. 3N., R. 1W., Section 16 (*Tabled from 9/9/15; Public Hearing Left Open*)

J. Tibbs advised that the public hearing had been left open.

D. Sanders presented the Staff report.

D. Case expressed his concerns regarding the lack of a landscaping plan and use of gravel.

Applicant, Jeff Likes, stated his name and address for the record. He presented testimony explaining that a landscape plan has not been done at this time as they are working on the rezoning first. He stated that the open area would be used mainly for storage of boats and RV's using recycled asphalt and/or dust free gravel surrounded by a six foot vinyl fence.

D. Case questioned Applicant regarding the maintenance of the gravel to control weeds. J. Likes responded that the gravel being used was similar to asphalt, but would be maintained using weed control, as appropriate.

D. Sanders advised that the landscape plan did need to be submitted for approval prior to the facility opening for operation.

J. Tibbs closed the public hearing.

ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201500930-DA-ZC-MSP, ALC ARCHITECTURE BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW. D. CASE SECONDED. R. YZAGUIRRE, AYE, D. CASE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

3. **201501245-CU-MSP-PR-V-FP, ID SOLAR 1:** A Conditional Use/Master Site Plan for a Centralized Power Facility, which consists of a 40 Mwac solar photovoltaic facility and a transmission line along with a floodplain application; a private road application to extend W. Chief's Farm Lane and add gates for security; and a Variance for the facility to exceed 5% property coverage for the solar units. The property is located on W. Chiefs Farm Lane, east of Cloverdale Road; T. 1N., R. 1E., Section 10 (*Tabled from 9/9/15; Public Hearing Closed ~~Left Open~~*)**Corrected**

J. Tibbs stated that this is the item that was corrected at the beginning of the meeting to note that the public hearing was closed at the end of the September 9th hearing.

D. Sanders advised the Board that the items requested by the Board during the September 9, 2015, hearing were received and posted online for review.

The Board requested Applicant approach the podium to clarify the documentation and information submitted. Applicant advised that they collaborated with the neighbors to address the concerns raised at the previous hearing.

The Board inquired whether Staff received any comments to the documents provided by Applicant. D. Sanders advised that the only communication Staff received was an email from Tiffany Hales, attorney for the homeowners, confirming the conditions of approval.

The Board requested T. Hales approach the podium. She stated her name and address for the record. She confirmed that the homeowners and developer met to resolve their issues. She indicated that the developers suggested including an equestrian trail which put space between the homeowners and the project. She said that both sides are now satisfied and, as a result, the homeowners withdrew their opposition to the project.

J. Tibbs closed the public hearing.

The Board indicated that they feel the concerns they had coming in to the meeting have been adequately addressed. They commended the collaboration between Applicant and the homeowners to mitigate the issues previously raised. R. Yzaguirre expressed concerns with regard to the project overlapping two jurisdictions.

ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201501245-CU-MSP-PR-V-FP, ID SOLAR 1 BASED

**ON THE FINDINGS OF FACT AND CONCLUSIONS OF
LAW CONTAINED IN THE STAFF REPORT. D. CASE
SECONDED. R. YZAGUIRRE, AYE, D. CASE, AYE, AND
J. TIBBS, AYE. THE MOTION CARRIED
UNANIMOUSLY.**

V. IN THE MATTER OF NEW BUSINESS:

- 1. 201502290-MSP-CU-V, FAIRVIEW CEMETERY DISTRICT:** To expand the existing cemetery and construct a 1,000 square foot Mausoleum or Columbaria. The applicant is requesting a variance for an exterior property setback of 10 feet for any structure and zero feet along the common property line of the existing cemetery. The property contains 1 acre and is located on W. McMillan Road east of Star Road, Meridian ID, T. 4N., R. 1W., Section 29

J. Tibbs opened the public hearing.

D. Sanders presented the Staff report.

Corinne Graham, representing Applicant, stated her name and address for the record and presented testimony explaining that the application is to expand the existing cemetery. She said the district is in agreement with the general findings of Staff and would comply with State and County codes.

Max Harrold and Dean Bentley chose not to testify.

J. Tibbs closed the public hearing.

ACTION: D. CASE MOVED TO APPROVE APPLICATION NO. 201502290-MSP-CU-V, FAIRVIEW CEMETERY DISTRICT, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT AND THE TESTIMONY PRESENTED. R. YZAGUIRRE SECONDED. D. CASE, AYE, R. YZAGUIRRE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

- 2. 201500678-S, HONEYBEE LANDING SUB:** A Preliminary Plat application for a four (4) lot residential subdivision. The property is located at 4200 & 4272 W. King Road and contains 80.65 acres; T. 2N., R. 1W., Section 28

J. Tibbs opened the public hearing.

K. Inselman entered a late exhibit into the record and presented the Staff report.

Applicant stated his name and address for the record and advised that he agreed with the Staff report.

J. Tibbs closed the public hearing.

ACTION: D. CASE MOVED TO APPROVE APPLICATION NO. 201500678-S, HONEYBEE LANDING SUB, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT AND THE TESTIMONY PRESENTED. R. YZAGUIRRE SECONDED. D. CASE, AYE, R. YZAGUIRRE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

- 3. 201500922-ZOA, DARIN TAYLOR:** A Zoning Ordinance text amendment to distinguish between private and public swimming pool and uses. Amending the definition of "Amusement or Recreation Facility" and the addition of definitions for "Private", "Private Lessons", "Public", and "Students" in Section 8-1A-1. Amending Table 8-2B-1 for "Private Lessons", "Private Lessons-Group" and "Private Lessons - Individual" as an allowed use. Amending Table 8-4G-2 to add parking space requirements for "Private Lessons - Group" and "Private Lessons - Individual".

Amending the specific use standards for "Amusement or Recreation Facility, Outdoor" in Section 8-5-3-9

J. Tibbs opened the public hearing.

B. Danielson entered a late exhibit into the record and presented the Staff report.

Darin Taylor, representing Applicant, stated his name and address for the record. He presented testimony explaining the proposed ordinance text amendment. He advised that Applicant implemented a drop off and pick up plan for students taking swimming lessons to address parking issues raised by neighbors. He read several letters into the record from neighbors in support of Applicant continuing to provide swimming lessons at their residence. He argued that this business should not be treated as a commercial operation.

Sandee Bodily stated her name and address for the record. She presented testimony supporting Applicant's business and advised that no cars have been parked on the road since the former complaint.

Merlyn Bodily stated his name and address for the record. He presented testimony supporting Applicant's business and argued the requirements being placed on them were burdensome and not appropriate for their use.

D. Taylor re-approached the podium to present additional testimony. He argued the residential swimming pool did not compare to public pools.

R. Yzaguirre inquired where cars parked. D. Taylor advised parking was available on the road, but the majority of students were dropped off and picked up.

D. Case and Staff discussed options to allow Applicant to continue swimming lessons and comply with Code requirements.

D. Case inquired why Applicant didn't apply for a Conditional Use Permit rather than attempt to change the ordinance. D. Taylor responded that Applicant was attempting to make a global change that would affect all businesses rather than single out certain businesses. He advised that he believed the Conditional Use Permit was too restrictive and burdensome.

J. Tibbs recessed the public hearing and left the record open.

J. Tibbs suggested tabling the matter to the next public hearing to allow Staff and Applicant an opportunity to discuss the matter further.

D. Case advised that he didn't believe an Ordinance text amendment was the appropriate course to take. He suggested the application be denied and Applicant apply for a Conditional Use Permit and submit a master plan.

R. Yzaguirre supported D. Case's comments and also suggested Applicant apply for a Conditional Use Permit.

J. Tibbs closed the public hearing based on the Board's discussion.

ACTION: D. CASE MOVED TO DENY APPLICATION NO. 201500922-ZOA, DARIN TAYLOR, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT AND THE TESTIMONY PROVIDED. R. YZAGUIRRE SECONDED.

DISCUSSION: R. YZAGUIRRE STATED HE BELIEVED THE MOTION IS CONSISTENT WITH STAFF AND THE PLANNING AND ZONING'S RECOMMENDATIONS. HE EXPLAINED HE DIDN'T BELIEVE THE ORDINANCE TEXT AMENDMENT WAS THE APPROPRIATE ROUTE. D. CASE CONFIRMED R. YZAGUIRRE ENCOURAGED APPLICANT TO WORK WITH STAFF TO OBTAIN A CONDITIONAL USE PERMIT AND WORK THROUGH

THE PROCESS. J. TIBBS ADVISED HE WOULD NOT BE SUPPORTING THE MOTION AS HE HOPED TO ALLOW APPLICANT AND STAFF AN OPPORTUNITY TO WORK THROUGH THE DETAILS.

ACTION: D. CASE, AYE, R. YZAGUIRRE, AYE, AND J. TIBBS, NAY. THE MOTION CARRIED.

- 4. 201501251-V, VICTOR ZADOROZHNY:** A request for a variance to allow for an existing gazebo (accessory structure) to encroach six (6) feet into the 25 foot rear yard setback. The property contains 1.000 acre and is located at 6551 N Barney Ln., Meridian ID, T. 4N., R. 1W., Section 23

B. Danielson entered two late exhibits into the record and presented the Staff report.

J. Tibbs opened the public hearing.

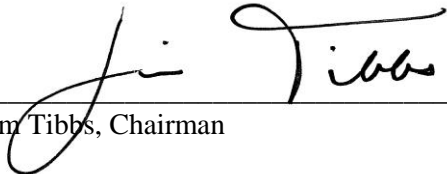
Applicant stated his name and address for the record and stood for questions.

J. Tibbs closed the public hearing.

ACTION: R. YZAGUIRRE MOVED TO APPROVE APPLICATION NO. 201501251-V, VICTOR ZADOROZHNY, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED IN THE STAFF REPORT. D. CASE SECONDED. R. YZAGUIRRE, AYE, D. CASE, AYE, AND J. TIBBS, AYE. THE MOTION CARRIED UNANIMOUSLY.

VI. IN THE MATTER OF ADJOURNMENT:

There being no further business to come before the Board on this date, the meeting was adjourned at 7:39 p.m.



Jim Tibbs, Chairman

ATTEST:



Christopher D. Rich, Ada County Clerk